

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC.	)	
FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT AN ADDITIONAL CELL SITE IN	)	
LEXINGTON, KENTUCKY FOR THE PROVISION	)	CASE NO. 97-072
OF DOMESTIC PUBLIC CELLULAR RADIO	)	
TELECOMMUNICATIONS SERVICE TO THE	)	
PUBLIC IN FAYETTE COUNTY, KENTUCKY	)	
AND THE LEXINGTON MSA	)	

O R D E R

The Commission has received the attached letters from Pamela A. Covert, Glen D. Ellis, Safooh Allouch, Timothy R. Mullins, the Lexington-Fayette Urban County Government, Joy E. Faulkner, William E. Hellard, Julie Dallak Woods, and Ruth Hocker-Stevenson (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 3449 Buckhorn Drive, Lexington, Fayette County, Kentucky.

IT IS THEREFORE ORDERED that:


1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to Petitioners' concerns by certified letter, within 14 days of the date of this Order.
2. Kentucky CGSA shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 17th day of March, 1997.

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Director

  
For the Commission

Arthur and Pamela Covert  
3349 Smoky Mountain Drive  
Lexington, KY 40515

RECEIVED  
FEB 28 1997  
PUBLIC SERVICE  
COMMISSION

February 25, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
PO Box 615  
Frankfort, KY 40602

re: case number 97-072

Dear Sir or Madam;

We are strongly opposed to the construction of a cellular radio tower in the proposed location. Although the site is on commercially zoned land it sits in the midst of a primarily residential area. There are 56 homes within 500 feet of the proposed site! The value of all of these homes and many more in the area would be drastically lowered by virtue of being within sight of the tower.

Many homes in this area have children. A tower built within 500 feet of a public playground would prove a dangerous temptation to the neighborhood children.

Such a tower does not belong in this location! We believe this request is not in the best interest of the public and request that you turn down the application.

Sincerely,

*Pamela A Covert*

RECEIVED

March 1, 1997

To: Public Service Commission of Kentucky

MAR - 5 1997

Re: Case No. 97-072

PUBLIC SERVICE  
COMMISSION

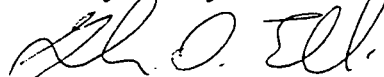
I would like to request intervention regarding the proposed telecommunication facility at 3449 Buckhorn Drive. The proposed facility is clearly inappropriate for this site. The two primary problems with this location are the road frontage and the gasoline pumps next door.

The residential neighborhood surrounding 3449 Buckhorn Drive has underground utilities, no industry, and no multilevel structures. A tower of this size would be more than incongruous at this location. The structures in question would also be closer to the road than any of the surrounding buildings of the shopping center and even closer than the houses are allowed to be by zoning. This lot is at the very entrance to the small neighborhood shopping center and this facility would become the overpowering focal point of this whole area. I have looked at other sites in Lexington and while my sampling is small, I believe that a road front facility, especially in a residential area, is unprecedented. I realize that proposals such as this one seem to create expert opinions that are often contradictory, especially when property values are discussed, however, I believe that it is safe to say that no one looks for a home with a view of a cellular radio tower.

If consideration for the property values and aesthetic values of the residents of this neighborhood are not of enough importance, then maybe our safety will be of some concern. The industrial strength electronic equipment of this facility will be located approximately 50 feet from the convenience store gas pumps! 3449 Buckhorn Drive is directly adjacent to the gas tanks of the convenience store, downwind, and downhill from the gasoline storage! Electricity and gasoline do not mix! I can predict arguments that any problems would be highly unlikely, but I propose to you that gasoline spills and leaks do occur and that most fire and safety officials would be reluctant to endorse such a building plan.

In conclusion, this Certificate of Public Convenience and Necessity should not be approved because this tower is neither convenient nor necessary. The cellular phone service in the Lexington area is good if not excellent and cellular phone service is a luxury. There are more homes with TV sets than there are with telephones, let alone cellular phones. There is no pressing need to put a cellular radio tower at 3449 Buckhorn Drive and certainly not at the inconvenience and danger that this facility would create for the neighborhood.

Thank you for your consideration;



Glen D. Ellis  
3405 Buckhorn Drive  
Lexington, Ky 40515

March 3, 1997

RECEIVED

MAR - 6 1997

PUBLIC SERVICE  
COMMISSION

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

RE: Public Notice-Public Service Commission of KY  
Case No. 97-072

To whom it may concern:

I am Safooh Allouch, owner of 3429 Buckhorn Dr., Lexington, KY 40515. The purpose of this letter is to express my vehement opposition to the tower being built on 3449 Buckhorn Dr., Lexington, KY 40515. Primarily, my concern with the tower regards its location at the entrance to the shopping center. This area is vital to the survival and growth of the businesses and advertisement of the entire shopping center and will ultimately cause a major blockage of the view of the area as well as become an undue eyesore. Also, due to the construction and erection of the tower, there is a negative consequence of customers being driven away from the businesses due to the inconvenience associated with such a project. Finally, neighbors in the area have continually contacted me opposing both its construction and the dangers associated with it and the chance of it collapsing on this densely populated area.

Thank you for giving me the opportunity to articulate my concerns with this matter. I feel that a just decision that considers all aspects of the situation will be more easily rendered if every necessary opinion is voiced.

Sincerely,



Safooh Allouch  
5300 Raven Creek Ct.  
Lexington, KY 40515

# McNAMARA & JONES

Attorneys at Law

P.O. Box 916

315 High Street (40601)

Frankfort, Kentucky 40602-0916

Sam G. McNamara

Charles E. Jones

Phone: 502/875-8808

Fax: 502/223-1043

February 18, 1997

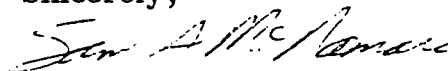
Re: Public Notice - Public Service Commission of KY  
Case No. 97-072

Kentucky CGSA, Inc. has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular radio telecommunication service. The facility will include a 150' monopole tower with twelve (12) antennas for a total height of 158' and an equipment shelter to be located at 3449 Buckhorn Drive, Lexington, Fayette County, Kentucky 40515. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within twenty (20) days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 97-072 in your correspondence.

Sincerely,



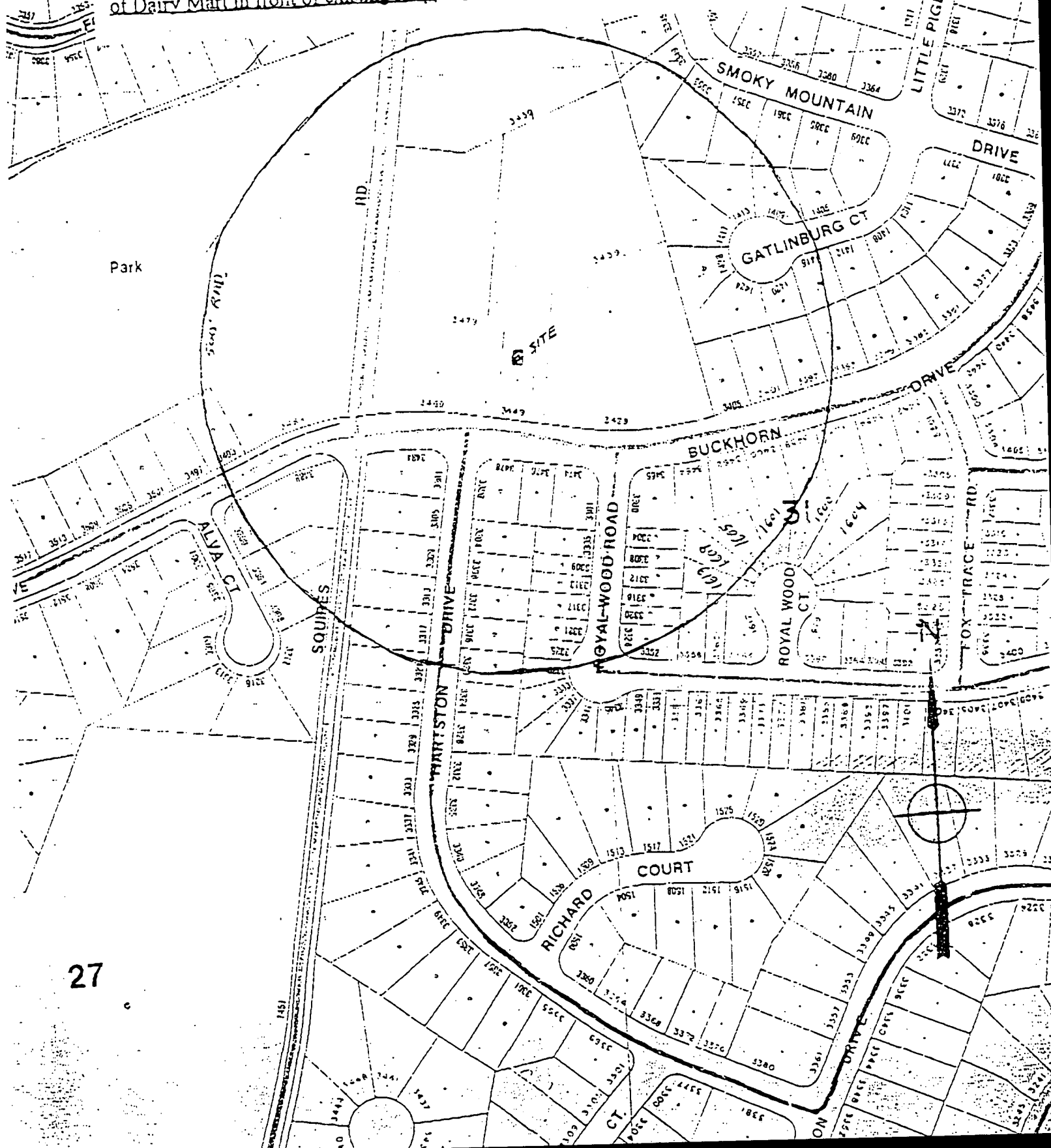
Sam G. McNamara  
Attorney for Kentucky CGSA,  
Inc.

SGM/j

Enclosure

# DIRECTIONS TO SITE:

Off New Circle take Exit #16 Alumni Dr. Go east on Alumni (away from Campus) to Man-O-War take right, go to Buckhorn Dr. take left. Site is located on vacant lot just to the east of Dairy Mart in front of existing shopping center.



March 3, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

RECEIVED  
MAR - 6 1997  
PUBLIC SERVICE  
COMMISSION

RE: Public Notice-Public Service Commission of KY  
Case No. 97-072

To whom it may concern:

I am Safooh Allouch, owner of 3459 Buckhorn Dr., Lexington, KY 40515. The purpose of this letter is to express my vehement opposition to the tower being built on 3449 Buckhorn Dr., Lexington, KY 40515. Primarily, my concern with the tower regards its location at the entrance to the shopping center. This area is vital to the survival and growth of the businesses and advertisement of the entire shopping center and will ultimately cause a major blockage of the view of the area as well as become an undue eyesore. Also, due to the construction and erection of the tower, there is a negative consequence of customers being driven away from the businesses due to the inconvenience associated with such a project. In addition, a new electronics and communications store should be opening in this section of the shopping center and there is concern that this communication tower with its many antennas will interfere with the ability of this business to achieve its potential. Finally, neighbors in the area have continually contacted me opposing both its construction and the dangers associated with it and the chance of it collapsing on this densely populated area.

Thank you for giving me the opportunity to articulate my concerns with this matter. I feel that a just decision that considers all aspects of the situation will be more easily rendered if every necessary opinion is voiced.

Sincerely,

Safooh Allouch  
5300 Raven Creek Ct.  
Lexington, KY 40515

# McNAMARA & JONES

Attorneys at Law

P.O. Box 916

315 High Street (40601)

Frankfort, Kentucky 40602-0916

Sam G. McNamara

Charles E. Jones

Phone: 502/875-8808

Fax: 502/223-1043

February 18, 1997

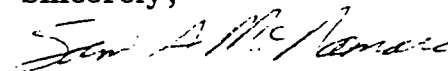
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The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within twenty (20) days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 97-072 in your correspondence.

Sincerely,



Sam G. McNamara  
Attorney for Kentucky CGSA,  
Inc.

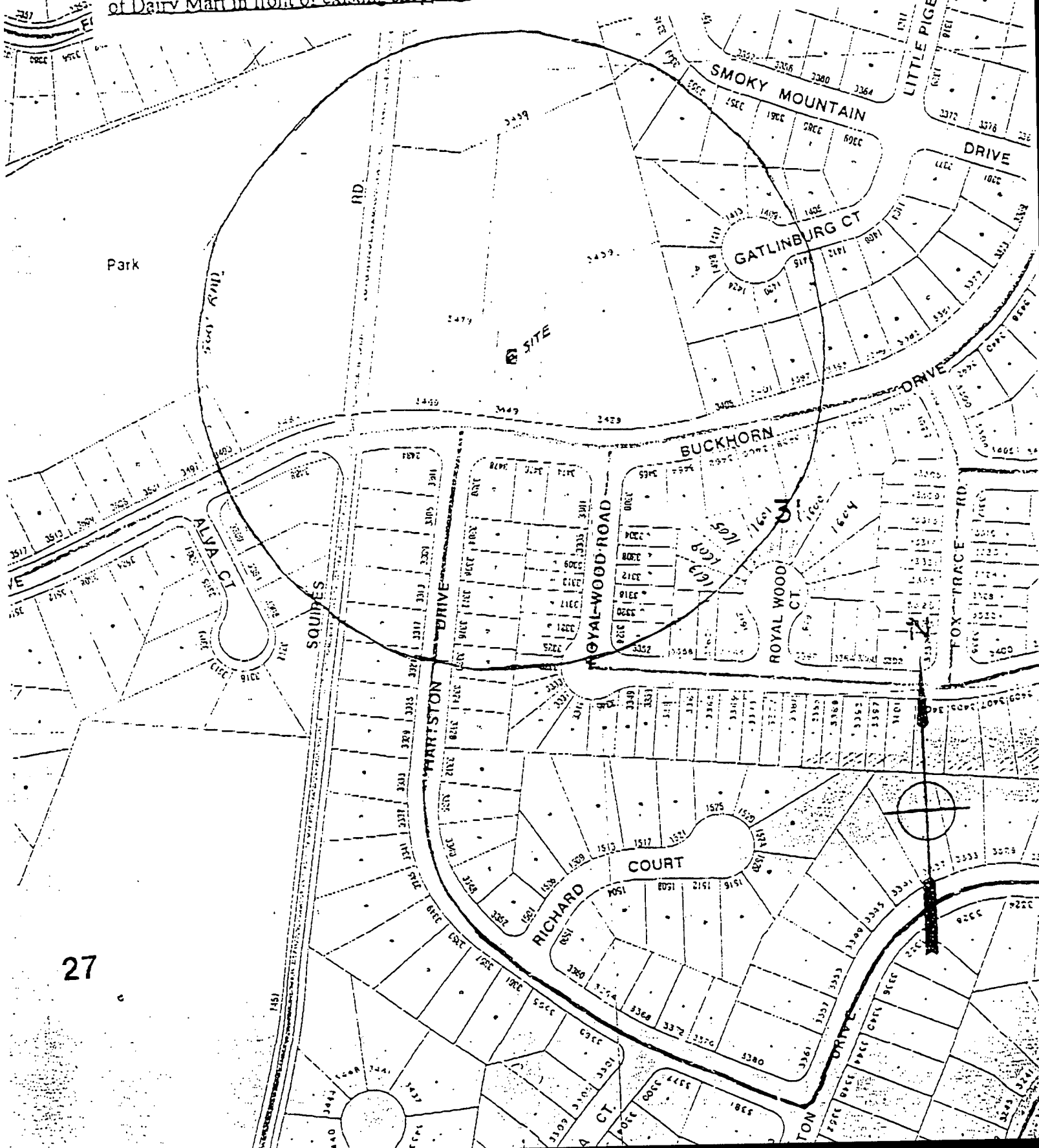
SGM/j

Enclosure



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MAR - 6 1997

PUBLIC SERVICE  
COMMISSION

March 3, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

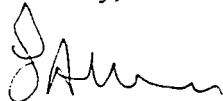
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Case No. 97-072

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Thank you for giving me the opportunity to articulate my concerns with this matter. I feel that a just decision that considers all aspects of the situation will be more easily rendered if every necessary opinion is voiced.

Sincerely,



Safooh Allouch  
5300 Raven Creek Ct.  
Lexington, KY 40515

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February 18, 1997

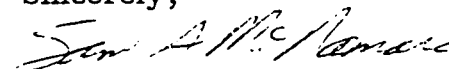
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The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within twenty (20) days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 97-072 in your correspondence.

Sincerely,



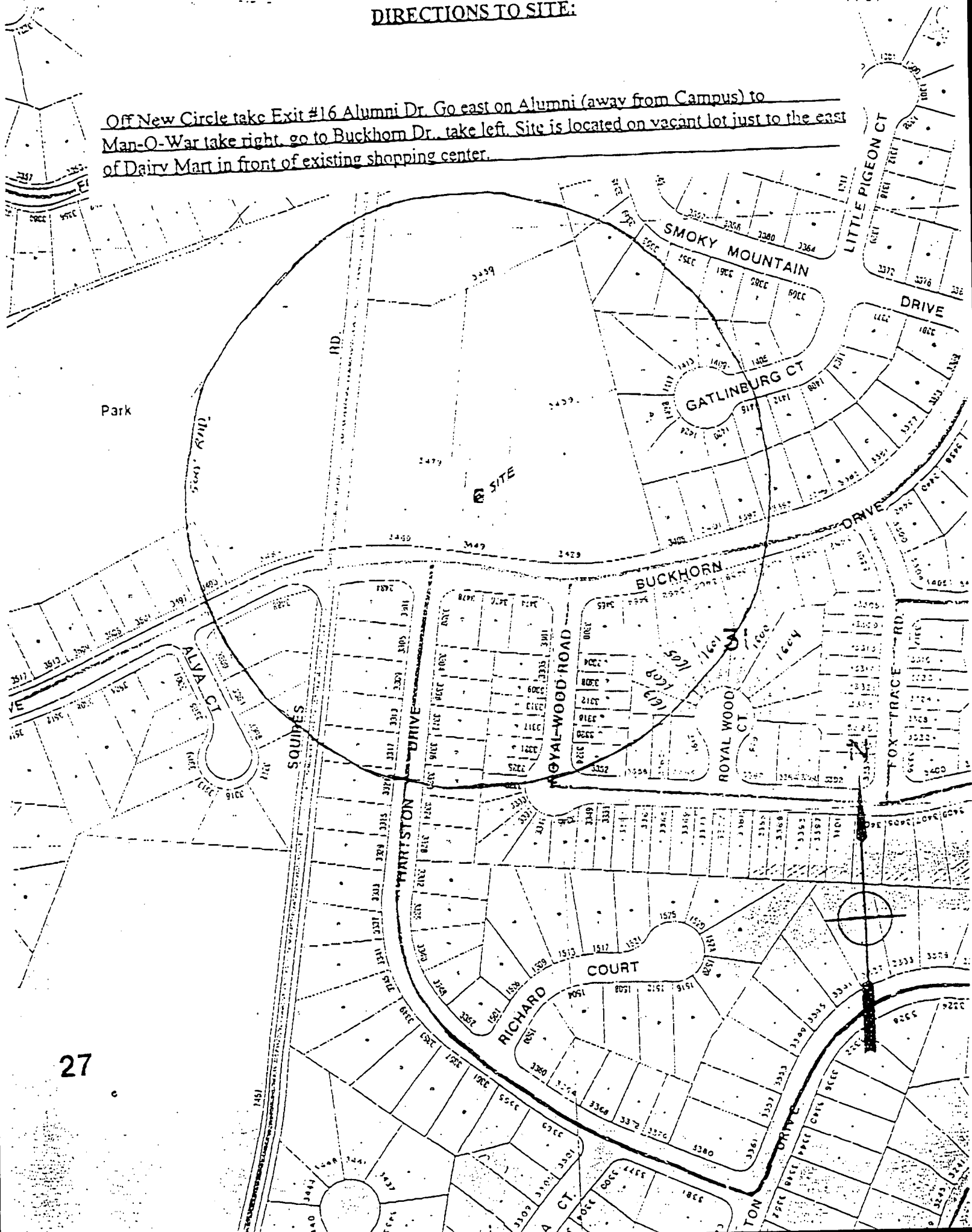
Sam G. McNamara  
Attorney for Kentucky CGSA,  
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SGM/j

Enclosure

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3333 Smoky Mountain Drive  
Lexington, Kentucky 40515  
March 4, 1997

RECEIVED  
MAR - 5 1997  
PUBLIC SERVICE  
COMMISSION

Public Service Commission  
Attn: Executive Director  
P.O. Box 615  
Frankfort, KY 40602

RE: Case # 97072

Dear Sir/Madam:

We are writing in regards to the above referenced case concerning a proposal to place a cellular tower at 3449 Buckhorn Drive, Lexington, Kentucky.

We are very concerned about this proposal for several reasons. The proposed location is in a very densely populated neighborhood and would sit immediately off of Buckhorn Drive. This area is at the front of Buckhorn Plaza. This plaza has been a very unsuccessful venture and is already beginning to experience problems with graffiti and vandalism and is requiring increasing police patrols. We feel that adding a cellular tower at this location would further detract from the aesthetics of the neighborhood and very possibly cause a decrease in surrounding property values.

Additionally, the area is within a few hundred feet of Berry Hill Park and Berry Hill pool. This pool is used extensively during the summer by neighborhood residents and area daycare centers. We feel that having this tower looming over the pool would detract from its recreational value.

We hope that you will take these concerns into consideration when making your decision.

Sincerely,



Timothy R. and Christine L. Mullins



## Lexington-Fayette Urban County Government

Department of Housing & Community Development • Division of Planning • Planning Services

March 3, 1997

Don Mills, Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

RE: PSC Case Number 97-072

Dear Mr. Mills:

The Lexington-Fayette Urban County Government (hereinafter referred to as LFUCG) wishes to state its concerns regarding the above-captioned application for a cellular tower and equipment shelter for property located at 3449 Buckhorn Drive. Additional information has been provided to us by Kentucky CGSA, Inc. and an initial review relative to the LFUCG's Cellular Tower site criteria has raised certain issues we wish addressed by the applicant. Further, the notice sent by the applicant to surrounding property owners has resulted in citizen inquiries to the LFUCG which we would like the applicant to comment upon. I specifically request that the following items be addressed as appropriate by either the PSC or the applicant:

1. A response as to whether this tower has the potential to interfere in any manner with radio, television, or satellite signal reception by the surrounding residential properties.
2. A response as to whether any special safety concerns (for example, lightning strikes and/or other electrical discharges) are created by the fact that the tower and its related facilities would be located approximately 50' or less from existing self-service gasoline pumps and underground storage tanks.
3. The relationship of the fall line of the proposed tower to Buckhorn Drive, a collector street in the community. It appears that the 100% fall line would extend into Buckhorn Drive, and perhaps the single family residential property located directly across the street.
4. Addition of a condition by the PSC that the tower be removed if it ever ceases to be used as a cellular transmitting facility.
5. Information as to proposed screening/buffering of the proposed facilities from adjoining properties. The property is located near and directly opposite residential areas.
6. I would also note that this property is subject to a site development plan (copy attached), and no permits can be issued for any development of this property unless and until an amendment to this development plan has been approved by the Planning Commission in a public hearing.

RECEIVED

MAR - 4 1997

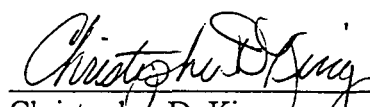
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MAR - 4 1997  
PUBLIC SERVICE  
COMMISSION

The LFUCG's Cellular Tower Committee will review any response received in the hope that concerns can be addressed short of requesting intervention. I am also sending a copy of this letter to Sam McNamara, attorney for Lexington MSA Limited Partnership.

The Lexington-Fayette Urban County Government looks forward to a response from the applicant and/or the Public Service Commission on these requests.

Sincerely,

  
Christopher D. King  
Deputy Planning Manager  
Chairman, LFUCG Cellular Tower Committee

c: Mayor Pam Miller (c/o Charlie Boland)  
Sam G. McNamara, Attorney for Lexington MSA  
Cellular Tower Committee Members:  
Councilmember Fred Brown, Jimmy Campbell, Keith Horn, Terry Tipton,  
& Casey Wilson  
Councilmember Willie Fogle  
Commissioner Len Matheny

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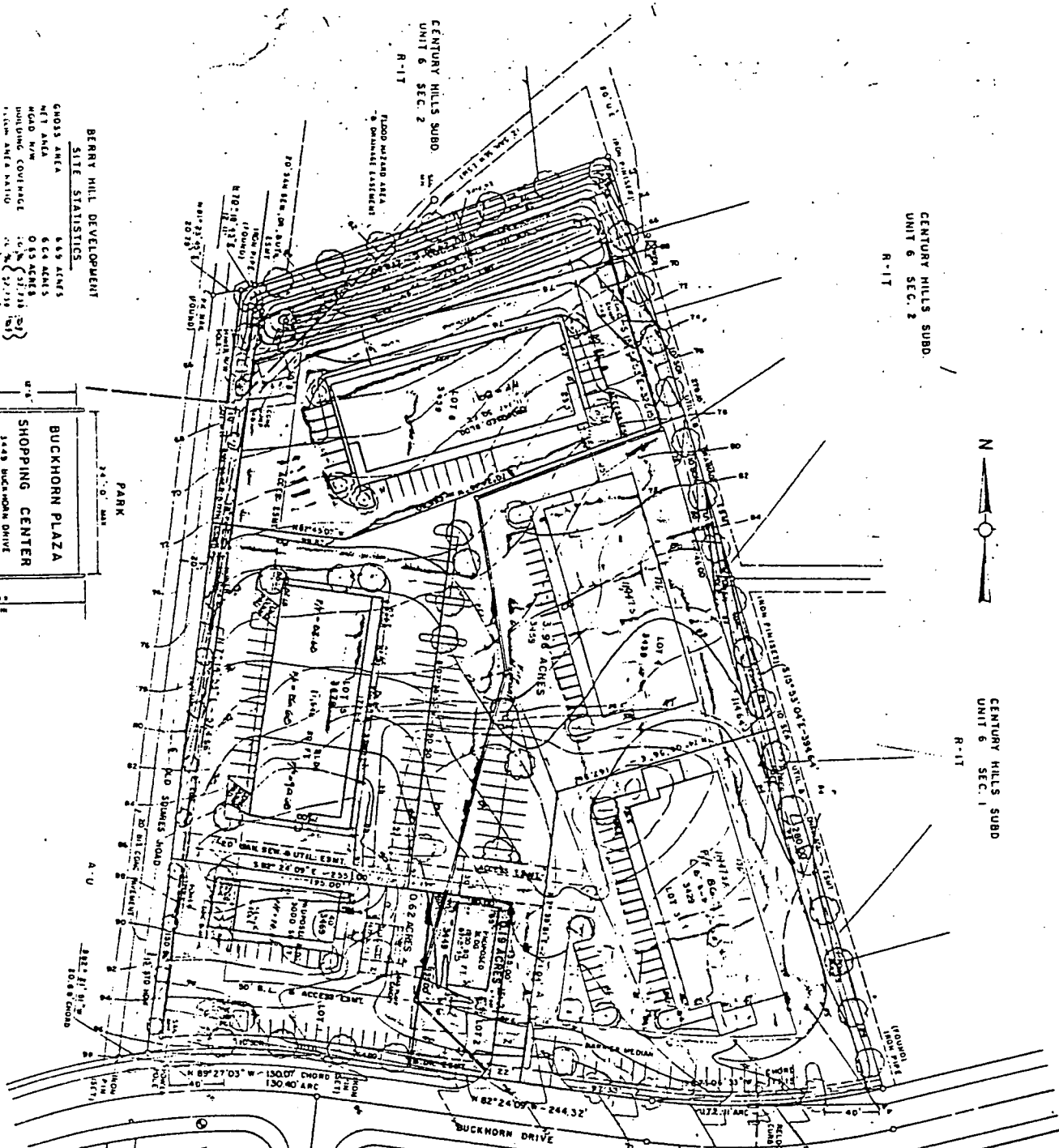


CENTURY HILLS SUBD.  
UNIT 6 SEC. 1  
R-1T

SECTION A-A  
SCALE: 1/8" = 1'-0"

CENTURY HILLS SUBD.  
UNIT 6 SEC. 2  
R-1T

**BERRY HILL DEVELOPMENT**  
**SITE STATISTICS**  
GROSS AREA 653 ACRES  
NET AREA 654 ACRES  
ROAD R/W 0.53 ACRES  
TOTALING COVERAGE 0.53 ACRES  
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TYPICAL PARKING LOT DIMENSIONS  
NO STALLS

TYPE	WIDE	DEEP	WIDE	DEEP
CIRCULATION LANE	25'	18'	25'	18'
PARKING SPACE	18'	10'	18'	10'
CIRCULATION LANE	25'	18'	25'	18'

100' TOP FINE WIDEWAY  
ASSUMED 115' W-00

R-1C

HARRISON DRIVE

R-1T

BUCKHORN DRIVE

MOUL WOOD ROAD

R-1T

100' TOP FINE WIDEWAY  
ASSUMED 115' W-00

R-1C

HARRISON DRIVE

R-1T

BUCKHORN DRIVE

MOUL WOOD ROAD

R-1T

COMMENTS: TERRAIN

100' TOP FINE WIDEWAY  
ASSUMED 115' W-00

COMMENTS: TERRAIN

100' TOP FINE WIDEWAY  
ASSUMED 115' W-00

MINOR AML  
FINAL BERRY HILL

100' TOP FINE WIDEWAY  
ASSUMED 115' W-00

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ASSUMED 115' W-00

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RECEIVED

MAR 10 1997

PUBLIC SERVICE  
COMMISSION

3308 Alva Court  
Lexington, KY 40515

Executive Director's Office  
Public Service Commission of KY  
P.O. Box 615  
Frankfort, Ky 40602

Re: Response to Public Notice - Public Service Commission of Ky  
Case No. 97-072

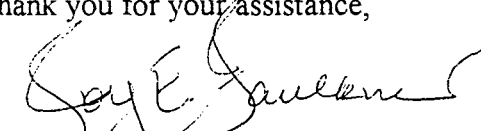
Dear Sirs:

Thank you for bringing to my attention the plans Kentucky CGSA, Inc. has to construct and operate a 158 foot structure in my neighborhood to provide cellular radio telecommunication service. Although in favor of advancement of technology, I am highly opposed to the idea that this tower is to be built in the front of the Buckhorn Plaza Shopping Center. I would appreciate more information on this matter.

I would like to be informed as to why, if this structure must be built in my neighborhood, the site has been proposed in front of the plaza and not on the land behind it. I also want to know why you felt the need to inform only those residents within a 500 foot radius and not more of the neighbors? Are we at any risk because we live within that area, and will there be no affect on others outside this circumference? How definite is this project? Is there any chance of halting or modifying this proposal? What can we, as residents in this radius, do to protect ourselves from this presumably necessary eye-sore?

Please send further correspondance to answer these questions and to provide as much information about this project as possible.

Thank you for your assistance,

  
Joy E. Faulkner

RECEIVED

MAR 10 1997

Lexington, Kentucky  
March 6, 1997

PUBLIC SERVICE  
COMMISSION

Executive Director  
Public Service Commission of Kentucky  
P. O. Box 615  
Frankfort, Kentucky 40602

Ref: case # 97-072

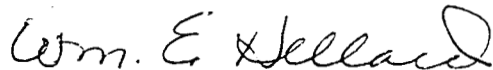
Dear Sir/ or Madam,

Please accept this letter in response to the proposed building of a communication tower in a neighborhood in Lexington, Ky., where I just recently bought a residence.

If the PSC grants permission for the construction of this facility, it will be "permission in perpetuity".. If such action is taken, then owners of property in the affected area, who may be opposed to this, will be precluded from taking any further action from an administrative standpoint.

We respectfully request that a six-month delay be ordered, to give both sides of this issue an opportunity to consider alternatives that may be acceptable to all concerned.

Very truly yours,



William E. Hellard  
213 Catalpa Road  
Lexington, Kentucky 40502

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, Kentucky 40602

RECEIVED

MAR 10 1997

3/3/97

RE: Case Number 97-072

PUBLIC SERVICE  
COMMISSION

Dear Sir:

I live at 3301 Hartston Drive, right across the street from the proposed cellular radio tower site. I am **strongly opposed** to this project. Please do not approve Kentucky CGSA's application. My main reasons for opposing the tower are:

**1. Devaluation of my property.**

I have worked hard to pay for this house, and it's unfair for my property value to drop in order for Kentucky CGSA to turn a profit.

**2. Unsightly.**

A 158 foot tower will look ridiculous in our neighborhood. All I will be able to see from my porch is that huge, ungainly tower. Has Kentucky CGSA agreed to landscape the site in a way that will hide the tower as much as possible? Is this in writing?

**3. Health concerns of long-term exposure to emissions.**

Where are the long-term studies that show that it is safe?

**4. Interference with my TV and radio reception.**

I don't have cable, and I don't want to have to get it to correct my reception due to the tower.

I know that Kentucky CGSA wants to buy this lot because it is tiny and cheap, and the neighborhood is low-income. Surely there are other sites not in a neighborhood. They may be a little more expensive, but selecting one of those won't affect so many homeowners.

Please reject Kentucky CGSA's application.

Sincerely,



Julie Dallak Woods  
3301 Hartston Drive  
Lexington, KY 40515

3/7/97

Case NO: 97-072

RECEIVED

MAR 11 1997

PUBLIC SERVICE  
COMMISSION

To: Public Service Commission of Ky

I do not wish to have an 158' tower, within 500 radius of my home. The neighborhood has deteriorated in twelve years since I built, with junk car's and rental property. I do not feel an 158' tower would be an asset to our property value.

Thank's

*Ruth H. Stevenson*  
Ruth Hocker-Stevenson

3316 Houston Lane

Springfield, MO 65815

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC.	)	
FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	
TO CONSTRUCT AN ADDITIONAL CELL	)	
SITE IN LEXINGTON, KENTUCKY FOR	)	CASE NO.
THE PROVISION OF DOMESTIC PUBLIC	)	97-072
CELLULAR RADIO TELECOMMUNICATIONS	)	
SERVICE TO THE PUBLIC IN FAYETTE	)	
COUNTY, KENTUCKY AND THE LEXINGTON	)	
MSA	)	

O R D E R

This matter arising upon the motion of Glen D. Ellis, filed March 5, 1997, for full intervention, and it appearing to the Commission that Mr. Ellis has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of Glen D. Ellis to intervene is granted.
2. Mr. Ellis shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should Mr. Ellis file documents of any kind with the Commission in the course of these proceedings, he shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 17th day of March, 1997.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt  
For the Commission

ATTEST:

Don Mills  
Executive Director